

THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:22-cv-00024-MR-WCM

**FRANKENMUTH MUTUAL  
INSURANCE COMPANY,**

**Plaintiff,**

**VS.**

**NATIONAL BRIDGE BUILDERS,  
LLC,**

**Defendant.**

## ORDER

**THIS MATTER** is before the Court on the Motion to Quash Trial Subpoena filed by non-party Mark Latini [Doc. 190].

Non-party Mark Latini moves to quash the subpoena that the Defendant National Bridge Builders, LLC (“National Bridge”) delivered to his residence on February 27, 2024. [Doc. 190].

A subpoena may command a person to attend a trial:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

Fed. R. Civ. P. 45(c)(1). The Court must quash or modify a subpoena that “requires a person to comply beyond the geographical limits specified in Rule 45(c)” or “subjects a person to undue burden.” Fed. R. Civ. P. 45(d)(3)(ii), (iv).

Here, Mr. Latini was employed by the Plaintiff Frankenmuth Mutual Insurance Company (“Frankenmuth”) until April 2022. [Doc. 190-3: Latini Decl. at ¶ 2]. Mr. Latini is currently employed as the Senior Vice President Head of Contract Surety for Munich Re, and works at Munich Re’s office in Charlotte, North Carolina. [Id. at ¶¶ 3 & 4]. While Mr. Latini resides in Waxhaw, North Carolina [id. at ¶ 5], he is not an officer of Frankenmuth and does not reside, work, or regularly conduct business in person within 100 miles of this Court. [Id. at ¶ 6].

Additionally, attending trial would cause Mr. Latini to incur substantial expense. Mr. Latini has committed to attending the National Association of Independent Sureties Conference in Nevada during the week of March 11, 2024, and will be out the entire week for the conference. [Id. at ¶¶ 11, 12]. Mr. Latini’s employer requires his attendance at the conference, and failing to attend the conference would have a detrimental impact on his position with

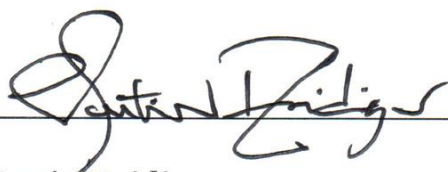
Munich Re and the continuation of the company's treaty agreements with various reinsurance carriers. [Id. at ¶¶ 13-15]. Mr. Latini has already expended costs in the amount of \$2,673 for this conference, all of which are non-refundable. [Id. at ¶ 16].

For all these reasons, the Court concludes that National Bridge's subpoena exceeds the geographical limits specified in Rule 45(c)(1) and that requiring compliance with the subpoena would cause an undue burden on Mr. Latini. Accordingly, the Court will quash the subpoena pursuant to Rule 45(d)(3).

**IT IS, THEREFORE, ORDERED** that the Motion to Quash Trial Subpoena to Mark Latini [Doc. 190] is **GRANTED**, and Mr. Latini is hereby released from his subpoena and shall not be required to appear at the trial of this matter.

**IT IS SO ORDERED.**

Signed: March 11, 2024

  
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Martin Reidinger  
Chief United States District Judge

